

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DARYL L. BERRY,

Petitioner,

v.

STATE,

Respondent.

Case No. C15-495 RSM

ORDER OF DISMISSAL

The Court, having reviewed Petitioner's 28 U.S.C. § 2254 habeas petition, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to that, and the remaining record, finds and **Orders** as follows:

1. The Report and Recommendation is **ADOPTED**;
2. Petitioner's 28 U.S.C. § 2254 habeas petition is **DISMISSED** without prejudice and Petitioner's application to proceed *in forma pauperis* is **DENIED**;
3. Petitioner is **DENIED** issuance of a certificate of appealability; and
4. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this 24th day of April 2015.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE